

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

BOOTON et al

Serial No. 09/936,220

Filed: September 10, 2001

Title: COMPUTER TELEPHONY INTEGRATION

Commissioner for Patents
P.O. Box 1450
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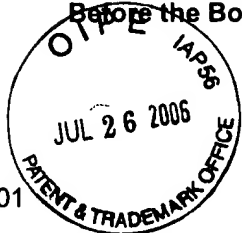
Atty Dkt. 36-1478

C# M#

TC/A.U.: 2642

Examiner: R. Al Aubraidi

Date: July 26, 2006



[Handwritten signature]

Sir:

☐ Correspondence Address Indication Form Attached.

☐ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences
from the last decision of the Examiner twice/finally rejecting
applicant's claim(s).

\$500.00 (1401)/\$250.00 (2401) \$

☒ An appeal **BRIEF** is attached in the pending appeal of the
above-identified application

\$500.00 (1402)/\$250.00 (2402) \$ 500.00

☐ Credit for fees paid in prior appeal without decision on merits

-\$ ()

☐ A reply brief is attached in triplicate under Rule 41.41

(no fee)

☐ Pre-Appeal Brief Request for Review form attached.

☒ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 120.00

☐ "Small entity" statement attached.

Less month extension previously paid on

-\$ ()

TOTAL FEE ENCLOSED \$ 620.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or
asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this
firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached. 07/27/2006 SDENB0B1 00000020 09936220

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

BOOTON et al

Serial No. 09/936,220

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Atty. Ref.: 36-1478 Conf. No. 2445

TC/A.U.: 2642

Examiner: R. Al Aubraidi

July 26, 2006

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 1.41.37(c)

Sir:

Applicant has appealed to the Board of Patent Appeals and Interferences (Notice of Appeal filed May 1, 2006) from the last decision of the Examiner (final office action dated December 1, 2005 and advisory action dated June 5, 2006). An appeal brief pursuant to 37 C.F.R. § 1.41.37(c) is now presented.

07/27/2006 SDENB081 00000020 09936220

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(I) REAL PARTY IN INTEREST

The real party in interest is British Telecommunications public limited company, a British corporation of the United Kingdom.

(II) RELATED APPEALS AND INTERFERENCES

The appellant, the undersigned, and the assignee are not aware of any related appeals, interferences, or judicial proceedings (past or present), which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(III) STATUS OF CLAIMS

Claims 1-10 are pending and have been rejected. No claims have been allowed.

(IV) STATUS OF AMENDMENTS

No amendments have been filed since the date of the final rejection.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

(a) In General

The claimed invention relates to switching of telephone signals in a computer telephony integration (CTI) environment. A calling party within the CTI system may sometimes be logged into different computer/telephone terminal locations. Nevertheless, a called party outside the CTI system will always be presented with a consistent calling line identity (CLI) that can be used to return a call directly to the individual calling party at his or her currently logged-in location. That is, a consistent simulated CTI CLI can “follow” a specific user such that a returned incoming call can be properly directed to ring the appropriate telephone terminal to reach the specific user consistently associated with the simulated CLI.

A CTI system 10 includes a CTI server computer 18 having access to a translation table (54C in Fig. 7) of user names and corresponding consistent simulated respectively associated calling line identities. When a user originates a call (e.g. see steps 90-96 in Fig. 8), the CTI server 18 knows the identity (e.g. name) of the user currently associated with, i.e. logged on at, the originating work desk 26. The consistent CLI translation table 54C (Fig. 7) is used to obtain the consistent CLI assigned to that user, and to then instruct PBX switch 12 to make the call using that consistent CLI in the setup signaling message (rather than a general CLI associated with the PBX or some incoming trunk line or some group serviced by the PBX). In some CTI systems, the consistent CLI translation table 54C (Fig. 7) can be in the form of a user-associated dummy terminal translation table, and the CTI server 18 can then instruct the PBX 12 to make a call from the respective user-associated dummy terminal. In this case, the PBX 12 stores the consistent CLI data

corresponding to that dummy terminal. Calling users can originate calls from any of the local system work desks 26L, or even from remote system work desks 26R. The CTI-server/PBX system 10 will always deliver a setup signaling message containing the consistent CLI respectively allocated to the calling user and deliver a return call using that consistent CLI (in an inverse translation process) the uniquely corresponding specific user at the user's current recorded location.

(b) Independent Method Claim 1

Claim 1 describes a method of operating switching system 10 to make a requested telephone call (e.g., see specification at page 8, line 3 through page 9, line 5). An actual calling party identity is obtained (steps 90, 92, Fig. 8 using table 54A, Fig. 5 or Table 54B, Fig. 6) and translating the obtained actual calling party identity (step 94, Fig. 8 using table 54C, Fig. 7) to obtain a corresponding simulated consistent calling line identity permanently associated with the calling party. A setup signalling message is sent (step 96, Fig. 8) establishing a call to the called party using the thus obtained corresponding simulated consistent calling line identity. The simulated consistent calling line identity also enables incoming calls to be delivered to the respectively associated party at his or her current recorded location (steps 100, 102, 104, 106 in Fig. 9 using tables 54C and 54A or 54B).

Dependent claims 2-6 add further features to this basic method.

For example, claim 2 describes steps that happen prior to call set up. Claim 3 concerns detecting the identity of a computer already in communication with the CTI controller. Claim 6 involves clearing down an incoming call, establishing a new call in

the PBX/CTI environment using incoming CLI data and then joining the incoming call to the corresponding called party at his or her currently recorded location.

(c) Independent Apparatus Claim 7

Claim 7 describes a switching system 10 (e.g., see specification at page 6, line 5 through page 7, line 18) including means for responding to a request for the making of a call by obtaining an actual calling party identity (e.g., CTI server 18 with table 54A or 54B/PBX 12). Means are also provided for translating the obtained actual calling party identity to obtain a corresponding simulated consistent calling line identity permanently associated with the calling party (CTI server 18 using table 54C). Means for obtaining a called party identity are provided by the user terminal workstations 26 (e.g., using a telephone instrument 28 to dial the called number which is captured by PBX 12). The PBX 12 also provides a means for generating a setup signalling message to be sent for establishing a call to the called party using the obtained corresponding simulated consistent calling line identity provided by CTI server 18—which also enables incoming calls to be delivered to the party associated with the simulated consistent CLI by inverse use of translation tables 54A-C which hold information as to the identity of that party and his or her current recorded location.

Dependent claims 8-10 add further features to this basic apparatus.

For example, claim 8 describes steps that happen prior to call set up. Claim 9 concerns detecting the identity of a computer already in communication with the CTI controller. Claim 10 requires an inverse CLI translation for an incoming call.

(VI) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-5 and 7-10 have been rejected under 35 U.S.C. § 103 as allegedly made obvious based on Staples et al. (U.S. Patent 5,889,845) in view of Gruchala et al. (U.S. Patent 6,252,953).

Claim 6 has been rejected under 35 U.S.C. § 103 as allegedly made obvious based on Staples/Gruchala in further view of Kahn et al. (U.S. Patent 4,086,438).

(VII) ARGUMENT

The Examiner's recitation of some phrases from applicant's claims followed by an assertion that a given reference "basically" reads on such feature is perhaps not accurately understood. Either the reference does or it does not "read on" alleged features. For reasons that are noted below, it is respectfully submitted that the citations do not "basically read on" the applicant's claimed invention -- even if they are combined *arguendo* with selective use of hindsight as the Examiner appears to be doing.

The Examiner admits that the primary Staples reference does not teach or suggest translating an obtained actual CLI to obtain a simulated consistent CLI permanently associated with a calling party [final office action at page 3, third full paragraph].

The Examiner tries to use Gruchala to supply this admitted deficiency. However, the Examiner's "Response to Arguments" section at page 7 (numbered section 5 at lines 6-9) of the final office action also admits that Gruchala does not specifically teach either temporary or permanent simulated "modified" consistent CLI. The Examiner attempts to draw some logical inference from this asserted indefiniteness of Gruchala -- which is not fully understood.

In any event, there is no doubt that, at best, Gruchala only teaches a simulated (modified—i.e., translated) CLI for a group -- rather than for any particular individual user. Since a "permanent" CLI associated with an individual party is clearly not translated into a simulated (modified) consistent CLI, it follows that Gruchala cannot possibly supply the admitted fundamental deficiencies of Staples.

Gruchala is rather confusing—and perhaps this is at the root of the Examiner's assertions. While Gruchala does talk about modifying the calling party identification

number to become the identification number of the group to which the calling party belongs, there is also disclosure of providing a privacy function which means that calls can be anonymous -- "consequently, the service restricts the passing of the calling party identification parameter" – see column 6, lines 10 to 16 and also claims 7 and 20. It seems odd to want to block transmission of the group identity – but it is not preposterous. However there is also no disclosure of passing an original, unmodified, calling party identification number to the called party – and on balance this privacy option is also not a clear pointer to such an approach when a privacy function is not invoked. Regardless, there is no disclosure of passing any translated individual CLI, etc. in any privacy mode (on or off).

In the Examiner's advisory action it is noted that since invocation of the privacy function is an optional/conditional matter, the calling party CLI would not be blocked unless the privacy code was invoked. However, even assuming such *arguendo*, that actually undercuts the Examiner's rejection because then there would have been no translation of CLI data—or, at best, it would still only relate to a translated group CLI—rather than to a translated simulated consistent CLI for a particular party.

Even if Gruchala is assumed not to teach only a temporary modified calling line identity, presumably in Gruchala the same caller will, at least as long as he or she belongs to the same work group, be associated only collectively with the identity of that work group.

The second half of the paragraph at the top of page 8 of the final action (the Examiner's Response to Arguments) is perhaps not understood. Gruchala is consistent in teaching that the calling party number is modified to become the identification number of

a group associated with the calling party. Logically, the group must consist of more than merely one party, i.e., there is the calling party and other individuals who together make up the group. There is thus no one-to-one correspondence between the group identity number and an individual calling party. Thus, it is simply not possible for the called party to use the received modified calling party CLI number as a means of contacting a particular calling party—as opposed to a collective group number. There is absolutely no teaching of how this could be achieved and logically it is not possible.

The Examiner's observation that "it is not logical to call the entire group in order to reach one person in that group" is, of course, quite correct. The point being, of course, that the reference does not teach applicant's invention which does provide this capability. Obviously, if you want to contact somebody particular in your group, you must dial their particular number directly and there is nothing illogical about that.

In the Examiner's advisory action, it is asserted that applicant's pending claims do not require one-to-one correspondence between an "actual calling party identity" and its translated "corresponding simulated consistent calling line identity permanently associated with the calling party". The applicant respectfully disagrees. It is believed that the claim language "speaks for itself" on this point.

On page 4 of the final office action, in the last sentence of the first paragraph, the Examiner makes a statement which suggests a misunderstanding of how the Gruchala system works. In Gruchala, column 6, between lines 17 and 25 there is disclosure of the possibility of number translation which is a well known concept in the art, per se. But this provides no basis for an argument that one can get from an identification number of a group associated with a calling party to the real calling line identity for that calling party.

In the next paragraph on page 4, the Examiner again appears to be reading more into the reference than is actually there. The reference does not teach that the system translates the user's home telephone number into that caller's individual office/extension number. There is no one-to-one correspondence between the group number and the individual caller's number.

The Examiner's rejection of claims 2 and 8 is also believed to be without basis. The Examiner cites Staples, but the activities which the Examiner equates to those of applicant's claims can only happen after the call has been set up -- and claims 2 and 8 concern activities that must be performed prior to call setup.

Regarding the rejection of claims 3 and 9, again the Examiner appears to overlook the chronology in the applicant's claim and the chronology taught in the reference. Claim 3 concerns detecting the identity of a computer from which a request to make a call has been sent, the computer already being in communication with the CTI controller. Whereas the passages cited by the Examiner concern initiating communication between a remote computer and the virtual presence server.

Regarding the rejection of claim 6 based on a three-way combination, given the deficiencies in Gruchala and Staples, it is not clear how Kahn could be combined with the two earlier references to provide a method as claimed in claim 6 -- even if it is assumed *arguendo* that such an incremental teaching is present somewhere in the quite different context of Kahn. The Examiner has not provided any realistic or cogent suggestion or motivation for making the asserted combination. In particular, the asserted economy of Kahn's arrangement for causing the system (office) call the caller back each time the caller makes a call (i.e., to minimize long distance toll charges) is not what claim 6 is

directed to. The Examiner does not seem to understand that claim 6 is directed towards handling an incoming returned call to the CTI system. It does not involve allowing a caller to make repeated calls to his/her home office area for minimum cost—by having the CTI system calling the caller back each time the caller calls into the office. Nor has the Examiner explained how the quite different Kahn system could actually be adapted to work as designed in the hypothetical Staples/Gruchala system.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

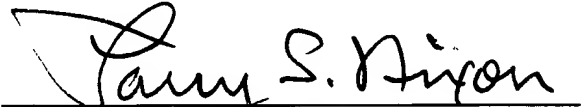
CONCLUSION

In conclusion it is believed that the application is in clear condition for allowance; therefore, early reversal of the final rejection and passage of the subject application to issue are earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Larry S. Nixon", written over a horizontal line.

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(VIII) CLAIMS APPENDIX

1. A method of operating a switching system to make a call, the method comprising:

responding to a request for the making of a call by obtaining an actual calling party identity;

translating the obtained actual calling party identity to obtain a corresponding simulated consistent calling line identity permanently associated with the calling party; and

sending a setup signalling message for establishing a call to the called party, the setup signalling message having a calling line identity field containing the obtained corresponding simulated consistent calling line identity, the simulated consistent calling line identity also enabling calls to be delivered to the party associated with the simulated CLI by use of translation tables which hold information as to the identity of that party and their current recorded location.

2. A method as in claim 1, wherein the step of responding to a request for the making of a call by obtaining an actual calling party identity comprises the substeps of:

detecting the actual calling line identity of a line which has changed to off hook status, and translating the detected calling line identity to obtain a corresponding actual calling party identity currently recorded as being associated with that line.

3. A method as in claim 1, for use when the switching system comprises a CTI-enabled switch together with a CTI controller, and a plurality of user-associated computers connected to the CTI controller, wherein the step of responding to a request

for the making of a call by obtaining an actual calling party identity comprises the substeps of:

detecting the identity of a computer from which a make call request has been sent to the CTI controller and translating the detected computer identity to obtain a corresponding actual calling party identity for a user currently recorded as being logged on at that computer to the CTI controller.

4. A method as in claim 1, wherein the step of responding to a request for the making of a call by obtaining an actual calling party identity comprises the substeps of:

retrieving from signalling information of an incoming call to the switching system a calling line identity, and translating the retrieved calling line identity to obtain a corresponding actual calling party identity.

5. A method as in claim 4, further including joining the incoming call to the call to the called party.

6. A method as in claim 4, and including:
clearing down that incoming call,
making a call to the calling party based on the calling line identity of that incoming call, and
joining the call to the calling party to the call to the called party.

7. A switching system comprising:
means for responding to a request for the making of a call by obtaining an actual calling party identity;

means for translating the obtained actual calling party identity to obtain a corresponding simulated consistent calling line identity permanently associated with the calling party;

means for obtaining a called party identity; and

means for generating a setup signalling message to be sent for establishing a call to the called party, the setup signalling message having a calling line identity field containing the obtained corresponding simulated consistent calling line identity, the simulated consistent calling line identity also enabling calls to be delivered to the party associated with the simulated CLI by use of translation tables which hold information as to the identity of that party and their current recorded location.

8. A system as in claim 7, wherein the means for responding to a request for the making of a call by obtaining an actual calling party identity is arranged to detect the actual calling line identity of a line which has changed to off hook status, and to translate the detected calling line identity to obtain a corresponding actual calling party identity currently recorded as being associated with that line.

9. A system as in claim 7, comprising a CTI-enabled switch together with a CTI controller, and a plurality of user-associated computers connected to the CTI controller, and wherein the means for responding to a request for the making of a call by obtaining an actual calling party identity is arranged to detect the identity of a computer from which a make call request has been sent to the CTI controller, and to translate the detected computer identity to obtain a corresponding actual calling party identity for a user currently recorded as being logged on at that computer to the CTI controller.

10. A system as in claim 7, wherein the means for responding to a request for the making of a call by obtaining an actual calling party identity is arranged to retrieve from signalling information of an incoming call to the switching system a calling line identity, and to translate the retrieved calling line identity to obtain a corresponding actual calling party identity.

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(IX) EVIDENCE APPENDIX

Not applicable.

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(X) **RELATED PROCEEDINGS APPENDIX**

Not applicable.